

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 7/7/2004

ITEM NO. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Sweinhagen/Herbig Residence
10-BA-2004

REQUEST Request to approve a variance from Article V. Section 5.204 E.2 and 5.204.F.2 regarding side yard setback requirements and the distance between main buildings on adjacent lots, on a parcel located at 7132 E Cholla Street with Single Family Residential (R1-35) zoning.

OWNER/APPLICANT Richard Sweinhagen & Judith Herbig
CONTACT 480-948-2303

CODE ENFORCEMENT None, however, the current side yard
ACTIVITY setback at the northwest corner of the
 building is 7.72 feet, while the
 Ordinance requires 15 feet.



PUBLIC COMMENT The applicant has notified the 11 neighbors residing within 300 feet of the site. No objections or adverse comments have been received regarding the proposed variance. The applicant has received 1 letter of support and 3-phone calls supporting the proposal. Staff has received two phone calls from area residents requesting additional information on the variance however; the callers expressed no objections or concerns.

ZONING Single Family Residential (R1-35) District. Surrounding zoning of properties on the west, north and south have similar R1-35 District zoning. Scottsdale Road is located along the east side of the site and east of the road the properties are used for Commercial Office (C-O), Commercial (C-2) and Single Family Residential (R1-10 PRD).

ZONING/DEVELOPMENT The property is located at the northwest corner of Cholla St. and
CONTEXT Scottsdale Rd. in the Desert Estates Unit 16 subdivision. The subdivision was recorded in the County on June 4, 1962 with 34 single-family lots having similar sizes. The plat was approved and developed in the County prior to annexation into the City of Scottsdale on Nov. 26, 1962. The land maintained the same R1-35 District zoning when annexed into the City as it originally had in the County. The existing neighbors house on the lot to the west has a 15 ft. side yard setback from the property line.

**ORDINANCE
REQUIREMENTS**

Section 5.204.E.2 requires a minimum fifteen (15) foot side yard building setback and Section 5.204.F.2 requires a minimum thirty (30)-feet between main buildings on adjacent lots. The request is for a side yard setback variance of 8 ft. from 15 to 7 ft., and a variance of the required distance between main buildings on adjacent lots of 8 ft., from 30 to 22 ft. All other setback and yard requirements on the lot have been met.

DISCUSSION

The applicants are requesting a variance in order to place an addition on their existing 1,652 sq. ft. single family home. When the home was developed in the County, the western side yard setback at the northwestern corner of the building was established at approximately 7 ft. from the property line. Upon annexation to the City, under the R1-35 District zoning, the side yard setback requirement of 15 ft. that applied to the lot, was considered to be a nonconforming setback. The request is to expand the bedroom on the western side of the house and extend the addition into the 15 ft. side yard requirement however, only to the distance that a portion of the northwest corner of the house is already situated within the side yard, and maintain the existing 7 ft. setback.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant has stated that the house was built in the County and annexed by the City in 1962, prior to their purchase of the property in 1972. The 7 ft. side yard occurred while the house was still located in the County, which likely permitted the reduced side yard in order to obtain a maximum separation distance between the house and Scottsdale Rd. on the east. No subsequent variance was granted for the reduced side yard since the land was annexed into the City. The lot size and shape is otherwise typical of other lots in the neighborhood.

While staff recognizes that the home was originally established along the west side of the site of side within the required side yard, alternate floor plans for the addition should be considered locating the addition toward the front or rear of the property. There are no other site-specific features or adjacent land issues that present a special circumstance on this lot.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The applicant indicates that the contractor and original owners have already established the reduced side yard within the required side yard setback. The addition will maintain and not reduce the existing, established side yard setback on the site. The proposed

modification to the master bedroom conforms to the floor plan design for the house. Maintaining the 15 ft. side yard as well as the 40 ft. front yard requirement would result in elimination of most of the addition, which is undesirable because it would reduce the ability to expand the home. The adjacent neighbor house will still be 22 ft. from the addition and the neighbor has not objected to the addition with the reduced side yard and distance between adjacent homes. The request is not out of character with the neighborhood.

Staff notes that alternate options for the addition such as expanding along the front or rear of the house are available in order not to increase the extent of encroachment into the lots side yard.

3. That special circumstances were not created by the owner or applicant:

The applicant indicates that placing the addition on the western side of the site will still conform to the existing setback of the house and create the type of living space that is consistent with newer homes in the area. This will allow the owners to make better use and enjoyment of their home and also make it more marketable in the future. Placing the master bedroom in its proposed location adjacent to the existing bedrooms is the best solution, while alternate locations at other positions at the house would not be suitable. The roof structure and placement of clearstory windows at the addition location will match the current style with a similar design and roofline as currently exists on the house. This will help the addition blend and maintain the current appearance of the ranch house.

There have been no changes to the size and configuration of the lot since it was platted in 1962. Staff feels that alternative locations for placement of the addition are available on this site.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant indicates that the owners of the adjoining property to the west have no objected to the proposal. The applicant states the addition will not decrease the current side yard on the site, which is already established at the requested variance distance. The addition will complement the neighborhood and maintain the style of adjacent homes. Placement of the addition at the proposed location will update the look of the house and keep the "ranch style" home appearance that currently exists. Staff believes the authorization will not be materially detrimental to the persons residing or working in the vicinity, the neighborhood or the public welfare in general. Staff believes the addition would have minimal impacts to the abutting property to the west.

STAFF CONTACT

Al Ward, Senior Planner
Report Author
Phone: 480-312-7067
E-mail: AWard@ScottsdaleAZ.gov

Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan
8. Community Input

Project Narrative

This property is zoned R1-35 requiring a 15' side setback. The house was built approximately 1963. We purchased the house in 1972 with a 7.72' side setback at the west corner of the structure.

We would like to update the master bedroom with a larger bath and a walk-in closet. We believe we have a design that will avoid the added-on look by maintaining the classic lines of the existing ranch house style.

The problem is that there is no way to do this with a 15' setback, because the corner of the house that we would like to expand is the west corner of the structure and therefore it is within the 15' setback. This is the bedroom wing of the house. Our proposal would keep the existing 7.72' setback to the west corner of the addition. Moving the addition to the 15' setback would eliminate most of the addition or put the addition in the front yard thereby destroying the architectural lines of the existing house.

The master bedroom works best in the bedroom wing. Placing the master bedroom in another part of the house would be undesirable and inefficient. The proposed plan with a raised roof and clearstory windows would be complimentary to the similar roof lines on the northeast end of the house (picture #15).

The proposed plan extending the house to the southwest would give a 44' front setback and a 7.72' side setback to the west corner of the addition. This will retain the same side setback currently in place for the existing structure (pictures #10 and #11). The proposal would keep the addition behind the neighbor's existing 40' setback as seen in picture #10 and back up to the side wall of their garage.

The neighbors have indicated they have no objection to this addition as planned.

JUSTIFICATION

1. Special circumstances/conditions exist which do not apply to other properties in the district:

Our property is zoned R1-35 requiring a 15' side setback. The house was built in 1962. We purchased the house in 1972 with an existing 7.72' side setback at the west corner of the structure. Through research, we are guessing that the house (and most likely the entire subdivision) was built before the land was annexed into the City of Scottsdale. The County allowed the 7.72' side setback. No variance for the setback exists in City files.

2. Special circumstances were not created by the owner or applicant:

As stated, we purchased the property with the west side setback at 7.72'. We would like to update the master bedroom from the original 1962 plan to include a larger bath and a walk-in closet. The part of the house that we would like to expand is impacted by the 7.72' setback. This is the bedroom wing of the house. Moving the addition to a 15' setback would eliminate most of the addition or put it in the front yard, which is undesirable. In spite of the fact that the shorter setback was a condition that we inherited when we purchased the house, we propose to keep the existing 7.72' setback at that corner of the house, including the addition. In other words, we do not intend to make an inherited condition "worse".

3. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

Again, we are trying to update the original 1962 bedroom wing of the house. This update will allow us to have a living space somewhat consistent with newer homes being constructed in north Scottsdale. This not only allows us to enjoy our home more, but it makes our home more marketable should we sell in the future. Therefore our concerns are enjoyment and property value. The master bedroom works best in the bedroom wing. Placing the master bedroom in another part of the house would be undesirable and inefficient. The proposed plan with a raised roof and clearstory windows would be complimentary to the similar roof lines on the northeast end of the house. We believe we have a design that will avoid the added-on look by maintaining the classic lines of the existing ranch house style.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

We have spoken to our neighbors and have heard no objections to our plan. We have notified neighbors in accordance with criteria in the Neighborhood Involvement Packet. We think the plan for our addition will make a handsome contribution to our neighborhood, as the house will be updated (to help all property values) and we will be keeping the "ranch house" style, without an added-on look, that is consistent with our area. We believe in the style of the Arizona "ranch house" as it keeps the integrity of our neighborhood and many neighborhoods in Scottsdale.

ATTACHMENT #2

10-BA-2004
6/2/2004



Sweinhagen/Herbig Residence

10-BA-2004

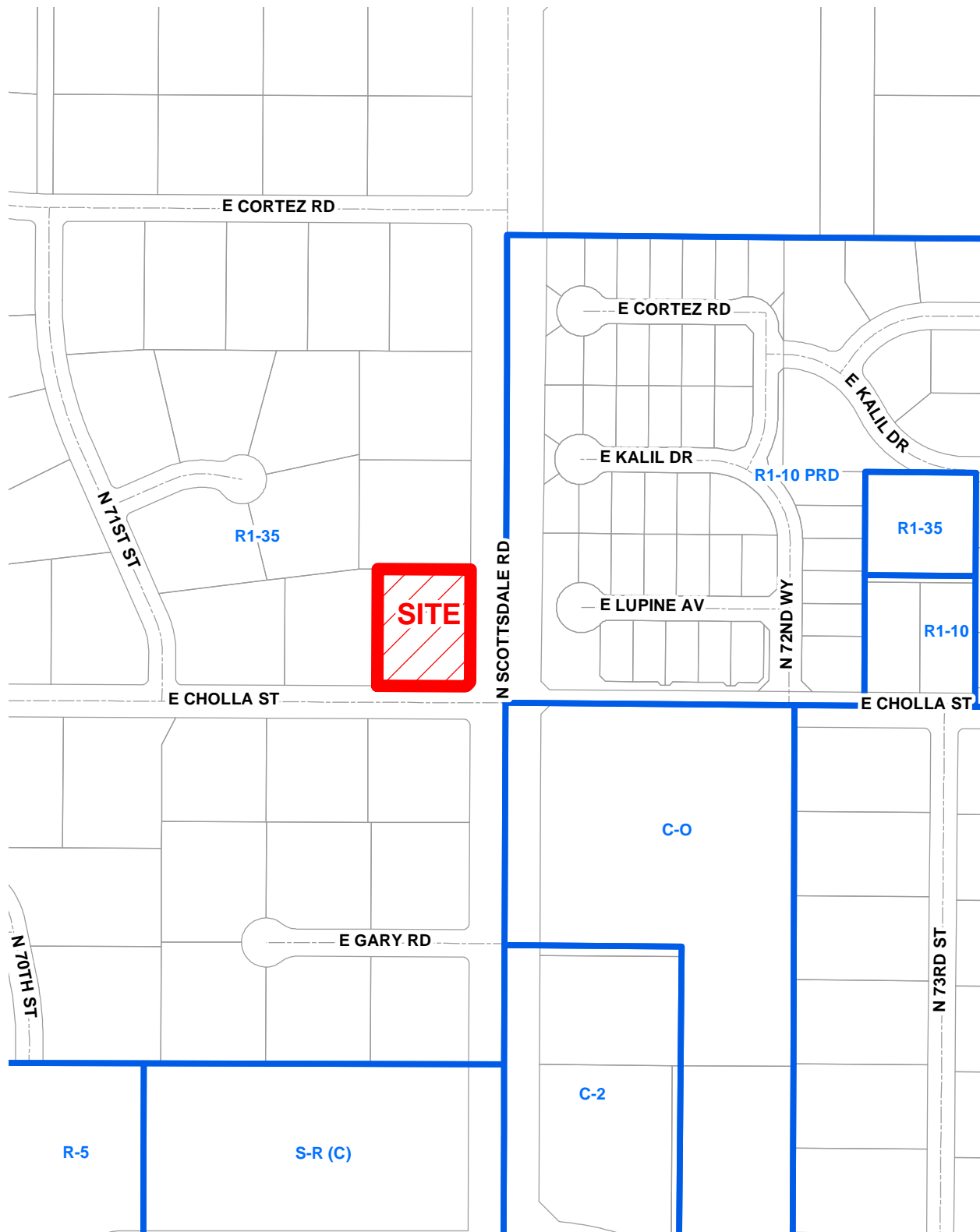
ATTACHMENT #3



Sweinhagen/Herbig Residence

10-BA-2004

ATTACHMENT #4



10-BA-2004

ATTACHMENT #5

#1



LOOKING S. DOWN
SCOTTSDALE RD

ATTACHMENT #6

10-BA-2004
6/2/2004

#2



Looking w. along
choila

10-BA-2004
6/2/2004

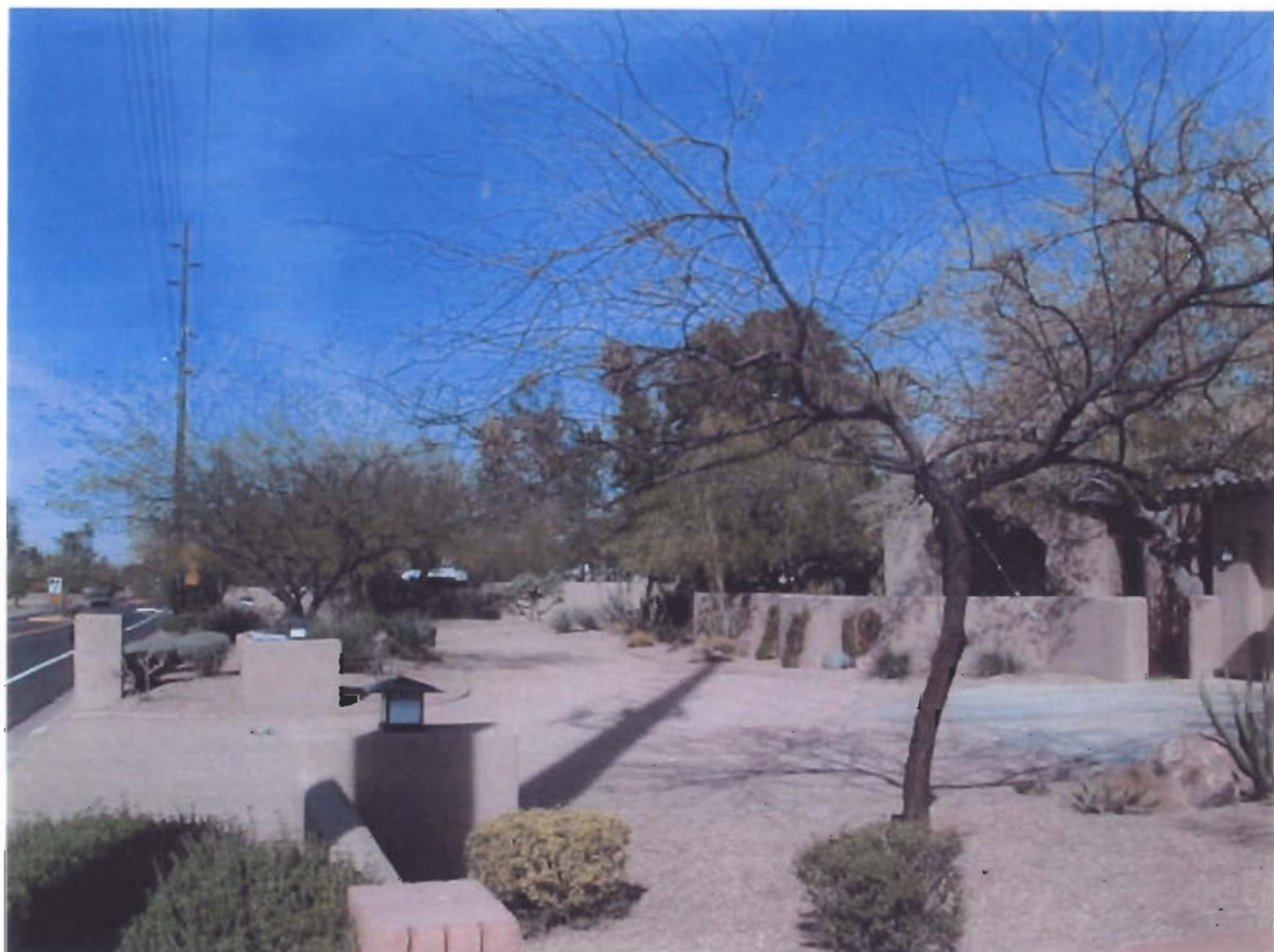
#3



LOOKING N.
ACROSS LOT TO
SCOTTSDALE R.D.

10-BA-2004
6/2/2004

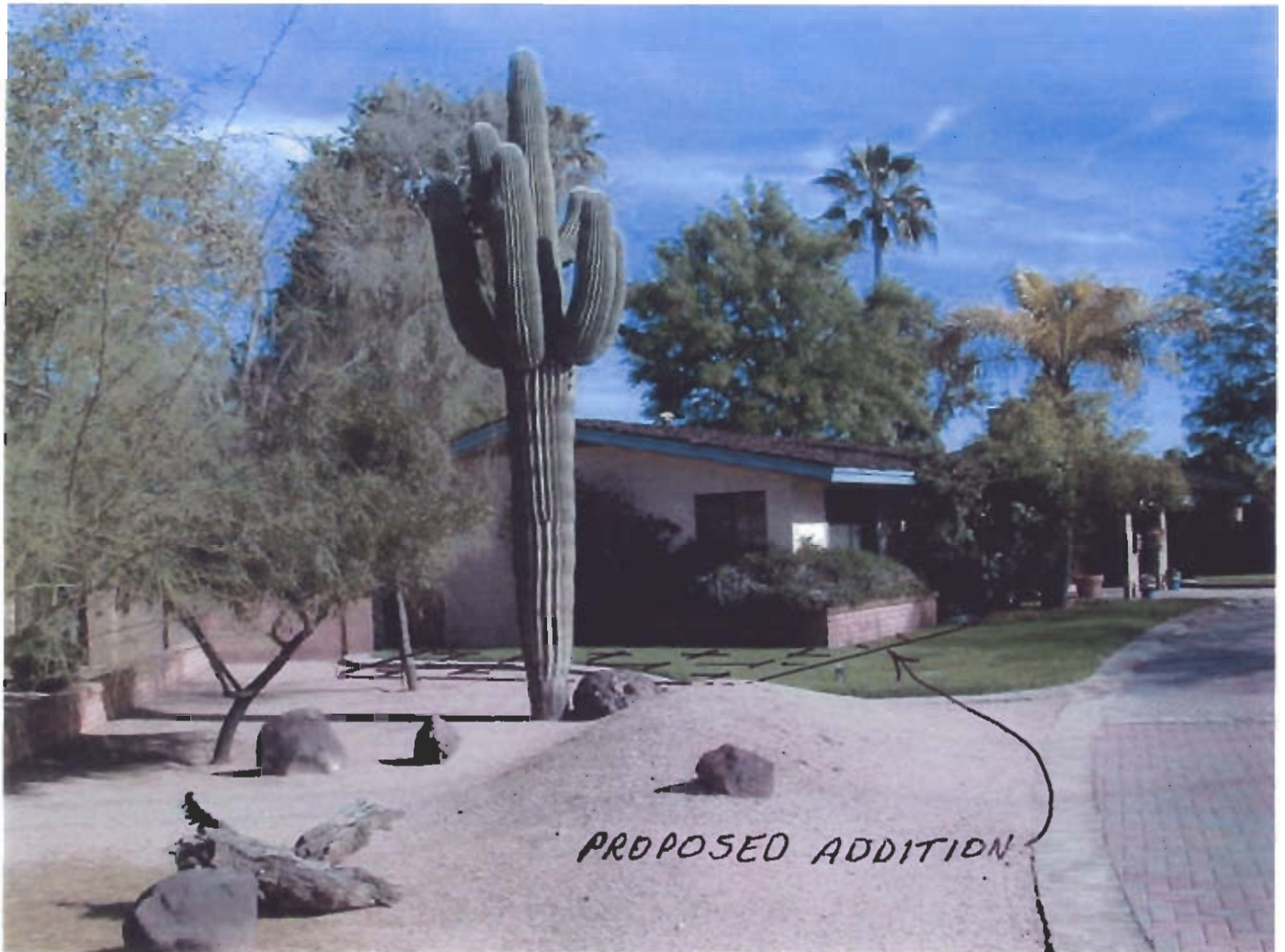
#6



LOOKING W. ALONG
CHOLLA

10-BA-2004
6/2/2004

#7



LOOKING W. AT HOUSE
ADDITION SITE

10-BA-2004
6/2/2004

10

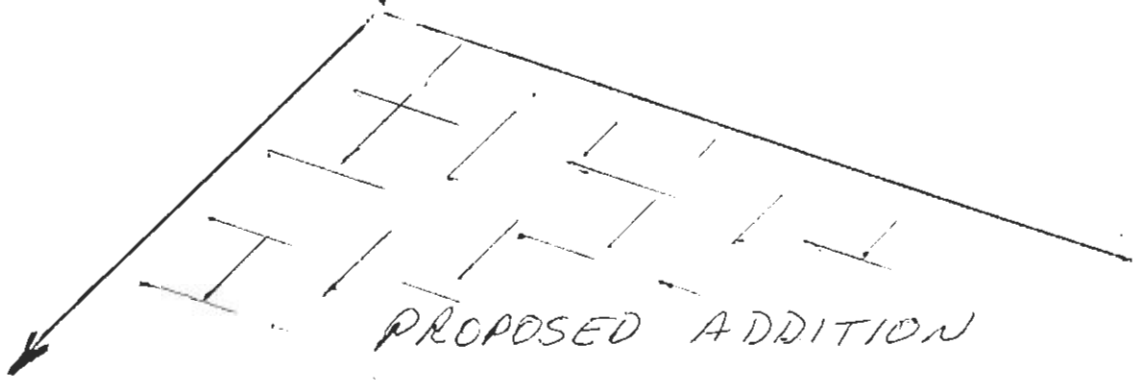


40' SETBACK

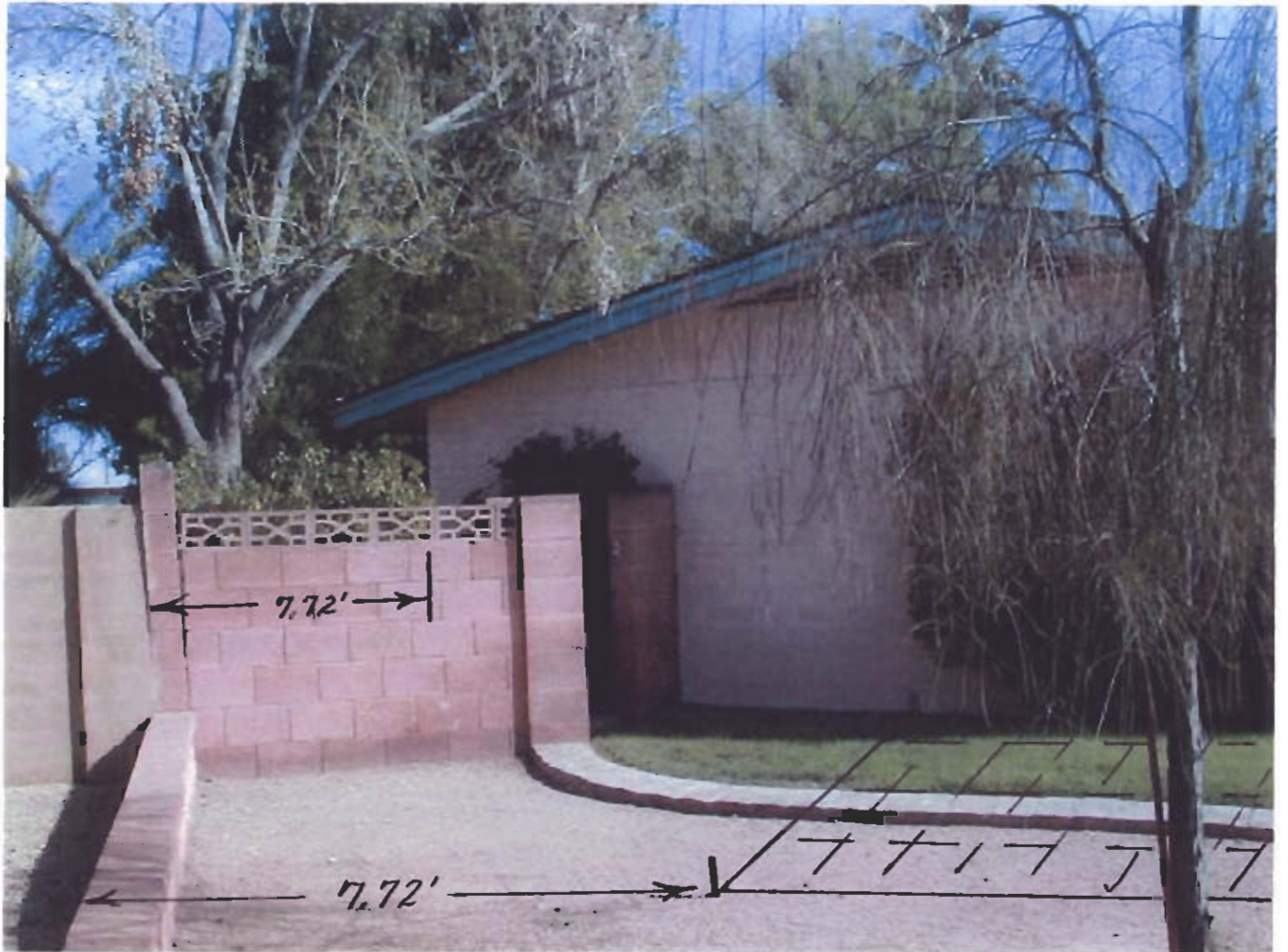
7.72'

10-BA-2004
6/2/2004

44' SETBACK
TO FRONT
CORNER OF
ADDITION



#11



#12

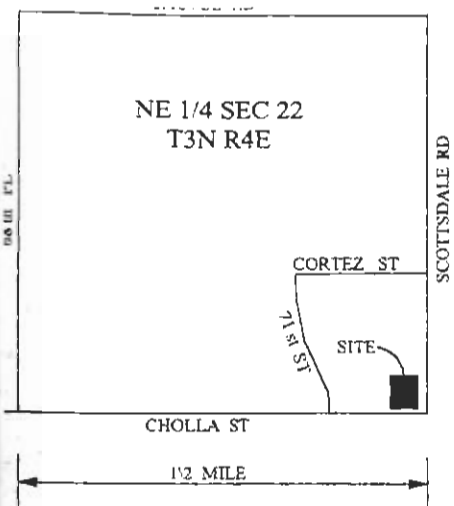


PROPOSED ADDITION

14

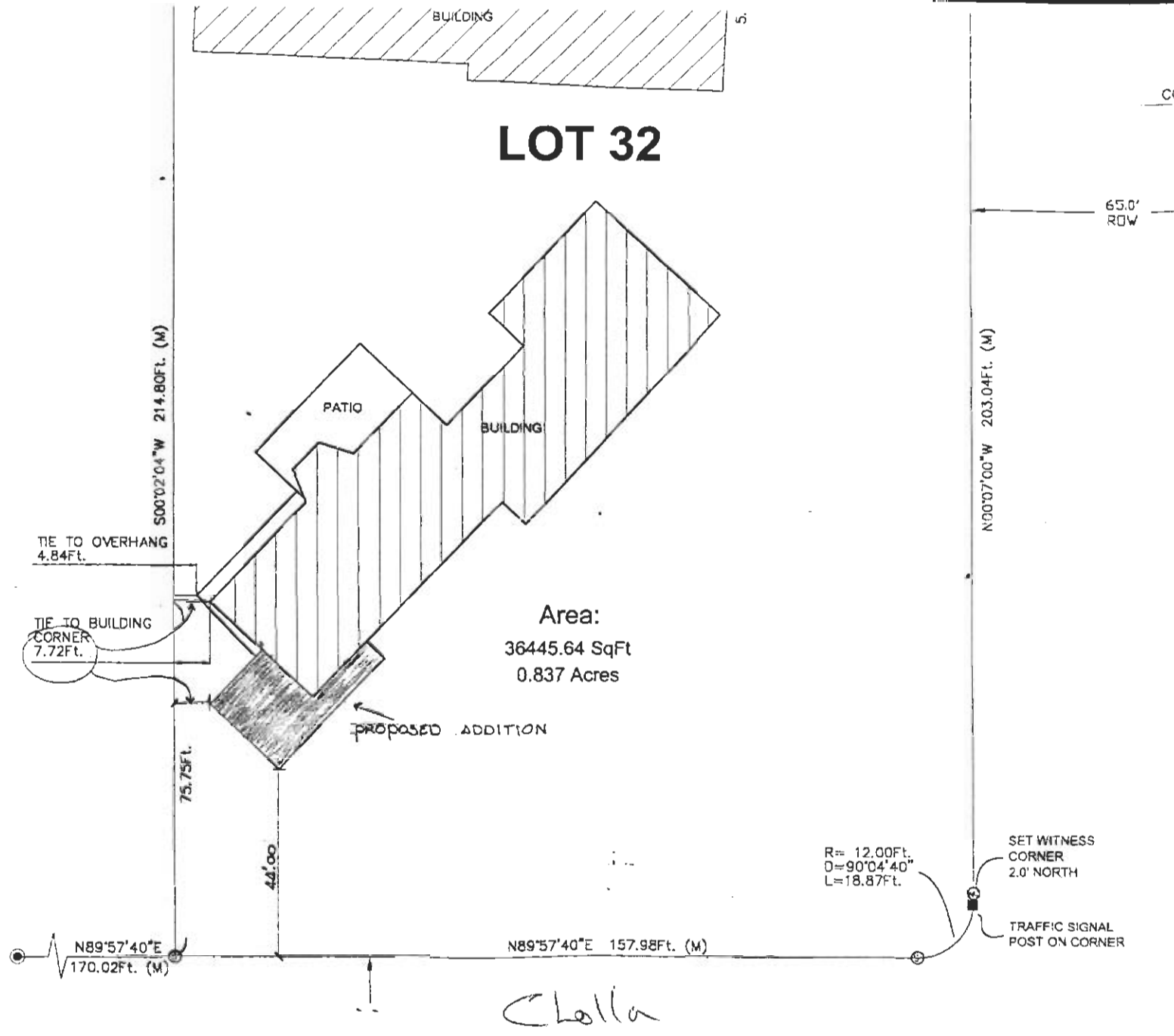


PROPOSED ADDITION



LEGEND:

SECTION LINE	---
PROPERTY LINE	---
RIGHT OF WAY	---
MARICOP COUNTY RECORDER	---
BRASS CAP FLUSH (BCF)	○
BRASS CAP IN HAND HOLE (BCHH)	●
FOUND 1/2" PIPE	■
FOUND 1/2" REBAR	⊙
SET 1/2" REBAR W/ CAP #26412	⊕
SET 1/2" REBAR W/ CAP #26412 "WC"	⊗
SET MAG NAIL IN CONCRETE	⊙



ATTACHMENT #7

10-BA-2004
6/2/2004

May 27, 2004

Dick and Judy Sweinhagen
1732 E. Cholla Street
Scottsdale, AZ 85254

TO OUR NEIGHBORS:

We are applying to the City of Scottsdale for a variance to add on to the southwest end of our house. We want to update the bedroom wing of our house (from its existing 1962 floorplan) by creating a master bedroom with a larger bathroom and a walk-in closet. The addition is outlined on the enclosed proposed plan. The City requires us to contact our neighbors within 300 feet of our property.

When the house was purchased, we inherited a 7.72' setback on the west corner of the house. The City mandates a 15' setback, but as far as we can tell, the house was annexed into Scottsdale after it was built. The addition we propose impacts the part of the house that is affected by the shorter setback, which is the bedroom wing of the house. The proposed plan updates the house (beneficial to all of us) and avoids the "added-on" look by maintaining the classic lines of the existing ranch house style. It is also complimentary to the northeast end of the house.

We have asked the City to allow us to keep within the present 7.72' setback in building the addition, rather than having to adhere to a 15' setback which would eliminate most of the addition or put the addition in the front yard, thereby destroying the architectural lines of the existing house.

We appreciate your taking the time to read this. If you have any questions, or would like to talk to us or a representative from the City of Scottsdale, here are the contact numbers:

Dick and Judy Sweinhagen
480-948-2303

Mr. Alan Ward, Senior Planner
City of Scottsdale
480-312-7088

Thank you!

NE 1/4 SEC 22
T3N R4E

CORTEZ ST

71.81 ST

SITE

SCOTTSDALE RD

CHOLLA ST

1/2 MILE

LOT 32

65.0
RDV

N00°07'00"W 203.04ft. (M)

PATIO

BUILDING

Area:

36445.64 SqFt
0.837 Acres

PROPOSED ADDITION

TIE TO OVERHANG
4.84ft.

TIE TO BUILDING
CORNER
7.72ft.

75.75ft.

44.00

N89°57'40"E
170.02ft. (M)

N89°57'40"E 157.98ft. (M)

R= 12.00ft.
D=90°04'40"
L=18.87ft.

SET WITNESS
CORNER
2.0' NORTH

TRAFFIC SIGNAL
POST ON CORNER

LEGEND:

SECTION LINE

PROPERTY LINE

RIGHT OF WAY

MARICOP COUNTY RECORDER

BRASS CAP FLUSH (BCF)

BRASS CAP IN HAND HOLE (BCHH)

FOUND 1/2" PIPE

FOUND 1/2" REBAR

SET 1/2" REBAR W/ CAP #26412

SET 1/2" REBAR W/ CAP #26412 "WC"

SET MAG NAIL IN CONCRETE

10-BA-2004
6/2/2004

PROJECT NOTIFICATION EFFORTS

Judith Herbig and Richard Sweinhagen

7132 E. Cholla Street

Scottsdale, AZ 85254

1. On May 28, 2004 we sent to the following, via US mail, a letter and a plot plan showing the addition:

Across the street, south side of Cholla St:

Guy and family

7131 E. Cholla

Bruce and Jan Goetze

7121 E. Cholla

Neighbor

7101 E. Cholla

To the west of our house:

Diana and Bill Doss (our next door neighbors to the west)

7120 E. Cholla

Neighbors

7102 E. Cholla

On the SEC of Cholla St. and Scottsdale Rd. (Office building):

Amerivest Properties Inc.

2730 E. Camelback Rd., Ste 110

Phoenix, AZ 85016

Across Scottsdale Rd. east of our house: (in a different subdivision called Sterling Place)

Neighbors at: 7233, 7230 7238 and 7241 E. Lupine

North of our house:

"Cowboy"

11420 N. Scottsdale Rd.

ON JUNE 11, A SIGN INDICATING A ZONING VARIANCE REQUEST WAS POSTED ON OUR PROPERTY BY THE CITY

2. Responses:

a) On July 12, Ted Harlem, representing the Sterling Place subdivision (across Scottsdale Rd. to the east), called to tell me that all the homeowners in Sterling Place had no objection to our planned renovation. Mr. Harlem's phone # is 480-483-3228.

b) Also on July 12, our neighbor to the south, Bruce Goetze at 7121 E. Cholla, called in person and delivered a letter (copy attached) to indicate that he had no objection and wished us luck with the plan. Mr. Goetze's phone # is 480-948-3397

c) On July 12, our letter to neighbors at 7101 E. Cholla St. (south, next to the Goetzes) was returned marked "vacant". We learned that the house had been unoccupied for some time.

d) On July 13th, we contacted by telephone Bill and Diana Doss, our immediate next door neighbors to the west (at 7120 E. Cholla, the neighbors who would be directly affected by the addition). Mr. Doss indicated that "It all sounds good to me. I will leave it in your capable hands". The Doss' phone # is 480-991-0988.

We have had no questions, comments or responses from any other neighbors.

May 27, 2004

Dick and Judy Sweinhagen
7132 E. Cholla Street
Scottsdale, AZ 85254

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Dick and Judy Sweinhagen
480-948-2303

Mr. Alan Ward, Senior Planner
City of Scottsdale
480-312-7088

Thank you!

Bruce & Jan Goetze

7121 E. Cholla Street / Scottsdale, AZ 85254 / 480.948.3397 602.532.7175 fax / bgoetze@pbcsi.com

June 11, 2004

Dick and Judy Sweinhagen
7132 E. Cholla St.
Scottsdale, AZ 85254

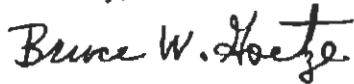
Dear Dick and Judy:

We received your letter regarding your update to your house and the requested variance. How exciting to be making a new addition!

Good luck with getting the variance, we certainly don't have any objection to the plan.

We do hope that your construction won't start too early in the morning!

Sincerely,

A handwritten signature in black ink that reads "Bruce W. Goetze". The signature is written in a cursive style with a large, stylized 'B' and 'G'.

Bruce W. Goetze